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STATE OF WISCONSIN
BEFORE THE
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

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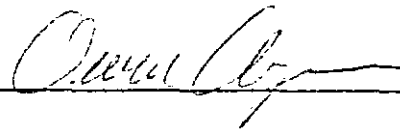
IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION
HERMAN J. HOVELSRUD,	:	AND ORDER
RESPONDENT	:	

The State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Hearing Examiner, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Hearing Examiner, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Examining Board of Architects, Professional Engineers, Designers and Land Surveyors. Let a copy of this order be served on the respondent by certified mail.

Dated this 23 day of April, 1982.



pc017-552

STATE OF WISCONSIN
BEFORE THE
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	NOTICE OF FILING
HERMAN J. HOVELSRUD,	:	PROPOSED DECISION
RESPONDENT	:	

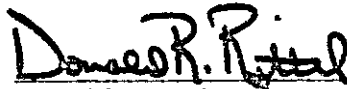
To: Mr. Claude J. Covelli
Attorney at Law
BOARDMAN, SUHR, CURRY & FIELD
First Wisconsin Plaza, Suite 410
One South Pinckney Street
P. O. Box 927
Madison, Wisconsin 53701

Wayne R. Austin
Attorney at Law
Department of Regulation and Licensing
P. O. Box 8936
Madison, Wisconsin 53708

PLEASE TAKE NOTICE that a Proposed Decision in the above-captioned matter has been filed with the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors by the Hearing Examiner, Donald R. Rittel. A copy of the Proposed Decision is attached hereto.

If you are adversely affected by, and have objections to, the Proposed Decision, you may file your objections, briefly stating the reasons and authorities for each objection, and argue with respect to those objections in writing. Your objections and argument must be submitted and received at the office of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Room 288, Department of Regulation and Licensing, 1400 East Washington Avenue, P. O. Box 8936, Madison, Wisconsin 53708, on or before March 12, 1982.

Dated at Madison, Wisconsin, this 24th day of February, 1982.


Donald R. Rittel
Hearing Examiner

BEFORE THE STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: PROPOSED DECISION
HERMAN J. HOVELSRUD, :
RESPONDENT. :

The parties to this proceeding for the purposes of Wis. Stats. sec. 227.16
are:

Herman J. Hovelsrud
258 East South Street
Richland Center, Wisconsin 53581

Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors
1400 East Washington Avenue, Room 288
P.O. Box 8936
Madison, Wisconsin 53708

The Hearing Examiner has received a Stipulation executed by the respondent, Herman J. Hovelsrud; respondent's attorney, Claude J. Covelli; and complainant's attorney, Wayne R. Austin. Accompanying the Stipulation was a letter from Attorney Covelli in which he requested that the board make a portion of the agreed upon suspension of respondent retroactive. Copies of the Stipulation and Attorney Covelli's letter are attached hereto.

Based upon the Stipulation, the Hearing Examiner recommends that the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors adopt as its final decision in this case the following Findings of Fact, Conclusions of Law, and Order which are the terms agreed upon and stipulated to by the parties.

FINDINGS OF FACT

1. Herman J. Hovelsrud, hereinafter referred to as Respondent, was at all times relevant to the Complaint duly licensed under the provisions of ch. 443, Wis. Stats., to practice as a professional engineer in the State of Wisconsin (License No. E-5933, issued August 1, 1955).
2. Respondent is President-Treasurer of Hovelsrud Consulting Associates Ltd., a corporation duly organized and existing under the laws of the State of Wisconsin and is authorized to practice professional engineering through said corporation (Certificate of Authorization No. CE-00917, issued November 1, 1974).
3. Respondent's address is 258 East South Street, Richland Center, Wisconsin 53581.

4. Commencing on or about June 20, 1974 and ending on or about June 23, 1976, respondent was retained by the City of Shawano, Wisconsin to provide professional engineering services to the City of Shawano Municipal Utilities in connection with electrical system construction projects, including additions to existing electrical substations, and additional primary and secondary feeders between substations within the City of Shawano electrical system.

5. Respondent did in fact provide professional engineering services to the City of Shawano as outlined in paragraph No. 4, above, and respondent was paid a professional fee for such services.

6. In connection with electrical system construction projects outlined in paragraph No. 4, above, respondent submitted plans and specifications for the procurement of metalclad waterproof switchgear. Those plans and specifications were deficient in the following respects:

- a. Current transformer sizes were not specified for either the main or feeder circuit breakers. The supplier furnished 400 ampere units for the main breaker and 200 ampere units for the feeder breaker positions. These were all underrated and required replacement, as did the ammeter and wattmeter scales.
- b. Characteristics of the over-current relays were not specified. Units furnished were not wholly compatible with the electric distribution system operation and protection.
- c. The plans failed to include ground relays for the three feeder circuits, a practice which is almost universal on four wire grounded distribution circuits.
- d. Respondent specified the circuit breakers to be equipped with 120 volt AC capacitor type trip devices while the location he arranged for on the switchgear installation contained a 125 volt DC station battery supply.
- e. Both the plans and specifications refer to three-single conductor potheads for each feeder unit without indicating type and size of cable.

7. In connection with electrical system construction projects outlined in paragraph No. 4, above, respondent submitted plans and specifications for placing a previously purchased 5600 kva transformer into service. Those plans and specifications were deficient in the following respects:

- a. Because this transformer was wound for wye-grounded wye use, while the existing substation transformers in the system were connected delta-ground wye, the planned installation would not permit the primary windings of the unit to be grounded; nor could the transformer be operated in parallel with any of the four existing substations in Shawano.
- b. The transformer test specification provided was wholly inadequate.

8. In connection with electrical system construction projects outlined in paragraph No. 4, above, respondent submitted plans and specifications for the construction of additions to the existing Lincoln Street power supply substation. The drawings submitted, bearing respondent's signature and seal, were deficient in the following respects:

a. The drawings do not present a coherent, concise and detailed representation of the structures and devices depicted. Structures are not properly delineated or dimensioned and are not clearly laid out.

b. The fourth note under "General Notes" on sheet No. 1 of the drawings indicates the ground wire is to be either No. 4 or 1/0 copper. Good engineering practice in construction of power substations dictates the ground cable to be no smaller than 1/0 AWG. The No. 4 copper would therefore be too small for any but pole grounds.

c. The plans fail to show grounding layout, location or quantity of ground rods, ground cable configuration, instructions on connecting to the existing station ground, or the minimum ground resistance to be allowed. There is no indication that required earth resistance tests were performed.

d. The plans show a three-phase bus connection from the transformer bushings to the switchgear roof-mounted entrance bushings. There are no notations on minimum separation, type of insulator, clamps or terminals. Nor are there expansion fittings shown to provide for relief of stresses arising from movement of the equipment due to settlement of footings. Additionally, the plans show impracticable bus bends and curves.

e. Sheet No. 4 of the plans shows three lightning arrestors mounted on wood arms in such a manner that the 34.5 kv connecting wires pass unsupported between horizontal arms. No dimensions are shown for spacing of supporting members or devices except a notation that 18 inch or 24 inch metal to metal clearance is indicated. In some instances, proper dimensions between components could not be attained without changing locations of structural members shown.

f. The plans indicate a set of three power fuses to be inserted at the Lincoln Street substation in an existing line serving the existing Sawyer Street substation. These were designed to protect the Sawyer Street station from overload. Because the new Industrial Park substation was tapped into this line at a point between the Lincoln and Sawyer stations, however, those power fuses could not protect the Sawyer station from overloads arising in connection with the Industrial Park station.

9. In connection with electrical system construction projects outlined in paragraph No. 4, above, respondent submitted calculations for wire size requirements for an underground circuit to supply the Shawano Waste Treatment Plant. Those calculations anticipated the use of a load tap changing transformer to compensate for voltage drop occurring between the substation and the treatment plant. This represents an improper use of a tap changer in that a compensating voltage boost to accommodate the treatment plant would result in out-of-tolerance voltage increases to other users.

10. In connection with electrical system construction projects outlined in paragraph No. 4, above, respondent failed to advise against the placement of a new step down load center at the Lincoln Street substation, which placement aggravated existing distribution system shortcomings, including overloaded feeder circuits to the downtown area. Additionally, such placement did nothing to relieve the loading on the existing Sawyer substation, which was loaded to capacity.

CONCLUSIONS OF LAW

1. The Examining Board of Architects, Professional Engineers, Designers and Land Surveyors has jurisdiction in this proceeding pursuant to sec. 443.01(13), Wis. Stats. (1977), [now, sec. 443.11].

2. Hovelsrud, in not admitting certain allegations in the Complaint, but choosing not to contest or defend against them, permits the board to render the Findings of Fact, Conclusions of Law, and Order contained herein. See, Wis. Adm. Code sec. RL 2.09.

3. The providing of deficient engineering services by Hovelsrud, as described in paragraphs 6 through 10 of the Findings of Fact, constitutes misconduct in the practice of professional engineering within the meaning of sec. 443.01(13)(a)4., Wis. Stats. (1977), [now, sec. 443.11(1)(d)].

4. A licensee who has engaged in misconduct in the practice of professional engineering may have their license suspended pursuant to sec. 443.01(13)(a), Wis. Stats., [now, sec. 443.11(1)].

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of Herman J. Hovelsrud to practice as a professional engineer in the State of Wisconsin shall be, and hereby is SUSPENDED for a period of SIX (6) MONTHS; effective five (5) days after the date of the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

FURTHERMORE, upon restoration of Hovelsrud's license to practice as a professional engineer, his license to practice shall be LIMITED for an INDETERMINATIVE PERIOD as follows:

Hovelsrud shall not, during the period of limitation, provide or contract to provide any engineering services pertaining to production, storage, transmission, sale, delivery, or furnishing electricity for public use by any firm, association, corporation, municipality, or other governmental subdivision operating within this state.

OPINION

This proposed decision is being submitted to the Engineers Section of the board pursuant to the agreement reached between the parties. The Findings of Fact and Conclusions of Law are drawn from that agreement. The suspension and limitation recommended herein are also agreed to between the parties, with the exception of the effective date of the suspension. Respondent's attorney has requested that the suspension be made retroactive for a period of three months. See, Attorney Covelli's letter attached hereto. Complainant's attorney has taken no position upon respondent's request.

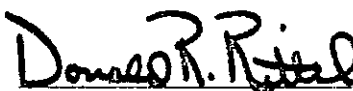
The Hearing Examiner has, in effect, recommended that a full six month suspension be imposed upon the license of Hovelsrud. This recommendation is premised upon a review of past board decisions involving suspensions of professional engineers, none of which have ordered that any portion of a suspension be made retroactive. See, In The Matter of Jerome A. Hagen, (5/7/80); In The Matter of L.G. Arnold, Inc., (6/25/76); In The Matter of Thomas F. Montgomery, (6/25/76); In The Matter of Robert P. Pharo, (6/25/76); In The Matter of Clifford J. Reuschlein, (6/25/76); In The Matter of Delbert J. Bomkamp, (9/6/75); In The Matter of John E. Cullinane, (4/21/75); In The Matter of Francis J. Vivian, (8/30/74); In The Matter of James A. Polzar, (11/72); In The Matter of Erwin G. Dueringer, (8/26/71).

A review of the foregoing decisions, which includes cases stipulated and fully litigated, does not affirmatively indicate whether or not this board has previously considered making a portion of an ordered suspension retroactive. If it has not previously considered such a request, the Hearing Examiner recommends that it be denied in this case due to the seriousness of the misconduct found. I do not believe that the fact respondent may not have practiced for a year and one-half is sufficiently mitigating to warrant a three month suspension, in reality, in view of respondent's misconduct. On the other hand, if the board has previously considered making a portion of a suspension retroactive, the order recommended herein should be adopted as being consistent with past board policy, as illustrated by previous board decision(s) listed above.

Finally, if any term of this Proposed Decision, other than the effective date of the suspension, is not adopted by the board, then no term or condition of the attached Stipulation, upon which this decision is based, is binding in any manner upon the parties and the matter must be remanded to the Hearing Examiner for further proceedings. See, Wis. Adm. Code sec. RL 2.12.

Dated at Madison, Wisconsin this 24th day of February, 1982.

Respectfully submitted,



Donald R. Rittel
Hearing Examiner

In the Matter of the Disciplinary
Proceedings against

Respondent.

On November 23, 1979, a Complaint was filed in the above entitled matter, the gravamen of which was that the respondent, Herman Hovelsrud, had during the years 1974, 1975 and 1976, provided deficient engineering services to the City of Shawano, Wisconsin. More specifically, the Complaint alleged a number of deficiencies in services provided in connection with electrical system construction projects and in connection with a water system study conducted by respondent.

On the same date the Complaint was filed, a hearing was ordered pursuant to Chapter 443, Wis. Stats., in Chapter RL2, Wis. Adm., for the purpose of considering the allegations of the Complaint. On January 4, 1980, respondent, by his attorney, Claude J. Covelli, filed an Answer to the Complaint in which the substantive allegations of the Complaint were denied.

Thereafter, on January 11, 1980, a prehearing conference was held in the matter. Discussions were commenced at that conference which have continued over the intervening months and which have culminated in an agreement between the named parties on the disposition of the matter. That agreement is intended as a full disposition of all Complaints presently pending against respondent and is further intended as a recommended basis for the final decision of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors.

Accordingly, Lucien G. Schlimgen, by his attorney, and Herman J. Hovelsrud, by himself and his attorney, in consideration of the terms and conditions of this Stipulation and in consideration and upon condition of acceptance of the terms and conditions in this Stipulation by the Examining Board, do hereby stipulate:

1. That respondent voluntarily waives his right to a hearing in this matter.
2. That as to paragraphs 1 through 5, and 8 through 12 of the Complaint filed in this matter, respondent does not admit the allegations contained therein but chooses not to contest or defend against them.
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Dept. of Reg. & Lic.
Hearing Examiner

3. That as to paragraphs 6, 7, 13 and 14 of the Complaint regarding alleged deficiencies and services in connection with a water systems study conducted by respondent, complainant withdraws the allegations contained in the Complaint.

4. That as to paragraph 15 of the Complaint filed in this matter, respondent does not admit the conclusions of law contained therein as they apply to paragraphs 8 through 12 of the Complaint but chooses not to contest that such matters constitute misconduct. Complainant withdraws said conclusions of law as they apply to paragraphs 13 and 14 of said Complaint.

5. That the Board adopt as its Order in this matter the proposed Order set forth below:

PROPOSED ORDER


1. That respondent's license to practice as a professional engineer be, and hereby is, suspended for a period of six months.

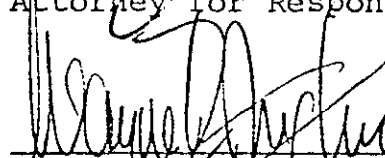
2. That upon restoration of his license to practice as a professional engineer, respondent's license to practice be and hereby is limited for indeterminate period as follows:

Respondent shall not, during the period of limitation, provide or contract to provide any engineering services pertaining to production, storage, transmission, sale, delivery or furnishing electricity for public use by any firm, association, corporation, municipality, or other governmental subdivision operating within this state.

Dated this 18th day of February, 1982.


Herman J. Hovelsrud, Respondent


Claude J. Covelli
Attorney for Respondent


Attorney for Claimant

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RICHARD L. OLSON
KENNETH T. MCCORMICK, JR.
THOMAS J. SOBOTA
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February 17, 1982

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GERALD R. SLATER
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MICHAEL C. STRAT
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W. WADE BOARDMAN

On Leave of Absence
ROBERT L. CURRY
JOHN M. WAGGONER

Telephone 257-9521
Area Code 608

State of Wisconsin
Department of Regulation and Licensing
Examining Board of Professional Engineers
P. O. Box 8936
Madison, Wisconsin 53708

Dear Board Members:

Re: In the Matter of the
Disciplinary Proceeding
Against Herman J. Hovelsrud, P.E.

This letter is being submitted to you, together with the stipulation, pursuant to the express agreement of the Department of Regulation and Licensing. There has been no agreement with respect to whether or not any portion of the suspension period may be treated as already having been served at the time the proposed order is entered. However, I have been authorized to make that request.

As you will note from the stipulation, Mr. Hovelsrud is not admitting any allegations of the complaint but is choosing not to defend against them. I make this point but am obliged not to argue the merits of the case because of our stipulation in this matter.

This disciplinary proceeding has impacted personally as well as professionally upon Mr. Hovelsrud. Over one and one-half years ago, he sold his engineering practice and closed his personal engineering practice in the State of Wisconsin. He has not practiced in the State of Wisconsin since that date. On behalf of Mr. Hovelsrud, I would request that the Board seriously consider crediting three months of the six-month suspension period proposed in the order for the year and one-half during which Mr. Hovelsrud has already ceased to practice in the State of Wisconsin.

Very truly yours,

BOARDMAN, SUHR, CURRY & FIELD

By


Claude J. Covelli

CJC/klg

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Hearing Examiner

FREDERICK C. SUHR
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Telephone 257-9521
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Mr. Wayne R. Austin
State of Wisconsin
Department of Regulation and Licensing
1400 East Washington Avenue
Madison, Wisconsin 53702

Dear Mr. Austin:

Re: In the Matter of Disciplinary
Proceedings Against Herman
J. Hovelsrud

Please find enclosed the stipulation in the above matter which has been signed by Mr. Hovelsrud and me. When I spoke to you, you indicated to me that you would not argue against or take an adverse position as to giving Mr. Hovelsrud credit for time during which he has not practiced in Wisconsin. I enclose my proposed letter to the Board on this subject. If there is anything to which you object or which you believe is improper, please give me a call. Otherwise I would request that you forward the letter to the Board along with the stipulation.

Very truly yours,

BOARDMAN, SUHR, CURRY & FIELD

By

Claude J. Covelli

CJC/klg

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